

once the advice communication is terminated, link the selected service provider and the service seeker via the communications devices for a live advice communication.

### REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

#### 35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1-8, 10-18, 21-28, 30-38, 41-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. US2001/0044751 (hereinafter "Pugliese"), in view of U.S. Patent Publication No. US 2001/0027481 (hereinafter "Whyel").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Applicant's independent claims include claim limitations that are not disclosed nor suggested by the Pugliese or Whyel. Therefore, applicant's independent claims are patentable over Pugliese and Whyel.

In particular, applicant's independent claims include the claim limitation, or limitation similar thereto, of:

determining whether the selected service provider is available during the service seeker specified appointment time;  
when the selected service provider is unavailable during the appointment time, determining one or more available appointment times of the selected service provider;  
providing the one or more alternate appointment times to the service seeker; and  
receiving a selected appointment time from the one or more alternate appointment times once selected by the service seeker;  
when the selected service provider is available during the service seeker specified appointment time, providing the appointment request to the selected service provider; (Applicant's independent claim 1 as amended.)

Therefore, as a result of applicant's independent claims having claim limitations that are not disclosed nor suggested by Pugliese or Whyel, applicant's independent claims are patentable over Pugliese and Whyel.

Applicant's remaining claims depend from one of the foregoing independent claims and therefore incorporate the distinguishing limitations of the foregoing independent claims. Therefore, the remaining dependent claims are also patentable over Pugliese and Whyel.

CONCLUSION

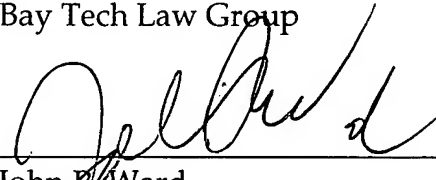
Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 515-4707.

Respectfully submitted,

Bay Tech Law Group

Date: \_\_\_\_\_

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